

AMENDED IN ASSEMBLY JUNE 2, 2005

AMENDED IN SENATE APRIL 19, 2005

AMENDED IN SENATE MARCH 29, 2005

## SENATE BILL

**No. 299**

### **Introduced by Senator Chesbro**

(Principal coauthor: Assembly Member Emmerson)

February 16, 2005

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An act to amend Section 1635.5 of the Business and Professions Code, relating to dentistry.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 299, as amended, Chesbro. Dentistry.

Existing law, the Dental Practice Act, provides for the licensure and regulation by the Dental Board of California of those engaged in the practice of dentistry. Existing law requires an applicant for licensure to take an examination before the board and meet certain other requirements.

Existing law requires an applicant to provide proof that he or she has either been in active clinical practice or a full-time faculty member in an accredited dental education program and in active clinical practice for at least 5,000 hours in 5 of the 7 years preceding his or her application. Existing law authorizes an applicant that proves at least 2 years of clinical practice or credit to complete the remainder of the requirement by filing a copy of a contract to practice dentistry full time ~~for 2 years~~ in a clinic meeting specified requirements or in an accredited dental education program.

This bill would provide that the entire 5-year clinical practice requirement is met ~~by filing a copy of a contract to~~ *if an applicant agrees to teach or practice dentistry full time for 2 years in a*

qualifying clinic or accredited dental education program. The bill would authorize the board to impose restrictions on a license issued under these provisions on or after January 1, 2006, limiting the holder's practice to designated settings until expiration of the 2 year term.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1635.5 of the Business and Professions  
2 Code is amended to read:

3 1635.5. (a) Notwithstanding Section 1634, the board may  
4 grant a license to practice dentistry to an applicant who has not  
5 taken an examination before the board, if the applicant submits  
6 all of the following to the board:

7 (1) A completed application form and all fees required by the  
8 board.

9 (2) Proof of a current license issued by another state to  
10 practice dentistry that is not revoked or suspended or otherwise  
11 restricted.

12 (3) Proof that the applicant has either been in active clinical  
13 practice or has been a full-time faculty member in an accredited  
14 dental education program and in active clinical practice for a  
15 total of at least 5,000 hours in five of the seven consecutive years  
16 immediately preceding the date of his or her application under  
17 this section. The clinical practice requirement shall be deemed  
18 met if documentation of any of the following is submitted:

19 (A) The applicant may receive credit for two of the five years  
20 of clinical practice by demonstrating completion of a residency  
21 training program accredited by the American Dental Association  
22 Commission on Dental Accreditation, including, but not limited  
23 to, a general practice residency, an advanced education in general  
24 dentistry program, or a training program in a specialty  
25 recognized by the American Dental Association.

26 (B) ~~A copy of a pending contract~~ The applicant agrees to  
27 practice dentistry full time for two years in ~~a~~ at least one primary  
28 care clinic licensed under subdivision (a) of Section 1204 of the  
29 Health and Safety Code or ~~in a~~ primary care clinic exempt from  
30 licensure pursuant to subdivision (c) of Section 1206 of the

1 Health and Safety Code, or ~~in a~~ clinic owned or operated by a  
2 public hospital or health system, or ~~a~~ clinic owned and operated  
3 by a hospital that maintains the primary contract with a county  
4 government to fill the county's role under Section 17000 of the  
5 Welfare and Institutions Code. The board may periodically  
6 request verification of compliance with these requirements, and  
7 may revoke the license upon a finding that the employment  
8 requirement, or any other requirement of this subparagraph, has  
9 not been met. ~~The board may, by regulation, define "full time"~~  
10 ~~for the purposes of this paragraph. Full-time status shall be~~  
11 ~~defined by the board for the purposes of this subparagraph, and~~  
12 ~~the board may establish exemptions to this requirement on a~~  
13 ~~case-by-case basis.~~

14 (C) ~~A copy of a pending contract~~ The applicant agrees to  
15 teach or practice dentistry full time for two years in ~~an~~ at least  
16 one accredited dental education program as approved by the  
17 Dental Board of California. The board may periodically request  
18 verification of compliance with these requirements, and may  
19 revoke the license upon a finding that the employment  
20 requirement, or any other requirement of this subparagraph, has  
21 not been met. *Full-time status shall be defined by the board for*  
22 *the purposes of this subparagraph, and the board may establish*  
23 *exemptions to this requirement on a case-by-case basis.*

24 (4) Proof that the applicant has not been subject to disciplinary  
25 action by any state in which he or she is or has been previously  
26 licensed to practice dentistry. If the applicant has been subject to  
27 disciplinary action, the board shall review that action to  
28 determine if it presents sufficient evidence of a violation of  
29 Article 4 (commencing with Section 1670) to warrant the  
30 submission of additional information from the applicant or the  
31 denial of the application for licensure.

32 (5) A signed release allowing the disclosure of information  
33 from the National Practitioner Data Bank and the verification of  
34 registration status with the federal Drug Enforcement  
35 Administration. The board shall review this information to  
36 determine if it presents sufficient evidence of a violation of  
37 Article 4 (commencing with Section 1670) to warrant the  
38 submission of additional information from the applicant or the  
39 denial of the application for licensure.

1 (6) Proof that the applicant has not failed the examination for  
2 licensure to practice dentistry under this chapter within five years  
3 prior to the date of his or her application for a license under this  
4 section.

5 (7) An acknowledgment by the applicant executed under  
6 penalty of perjury and automatic forfeiture of license, of the  
7 following:

8 (A) That the information provided by the applicant to the  
9 board is true and correct, to the best of his or her knowledge and  
10 belief.

11 (B) That the applicant has not been convicted of an offense  
12 involving conduct that would violate Section 810.

13 (8) Documentation of 50 units of continuing education  
14 completed within two years of the date of his or her application  
15 under this section. The continuing education shall include the  
16 mandatory coursework prescribed by the board pursuant to  
17 subdivision (b) of Section 1645.

18 (9) Any other information as specified by the board to the  
19 extent it is required of applicants for licensure by examination  
20 under this article.

21 (b) The board shall provide in the application packet to each  
22 out-of-state dentist pursuant to this section the following  
23 information:

24 (1) The location of dental manpower shortage areas that exist  
25 in the state.

26 (2) Those not-for-profit clinics and public hospitals seeking to  
27 contract with licensees for dental services.

28 (c) (1) The board shall review the impact of this section on  
29 the availability of dentists in California and report to the  
30 appropriate policy and fiscal committees of the Legislature by  
31 January 1, 2008. The report shall include a separate section  
32 providing data specific to those dentists who intend to fulfill the  
33 alternative clinical practice requirements of subparagraph (B) of  
34 paragraph (3) of subdivision (a). The report shall include, but not  
35 be limited to, all of the following:

36 (A) The total number of applicants from other states who have  
37 sought licensure.

38 (B) The number of dentists from other states licensed pursuant  
39 to this section, as well as the number of licenses not granted and  
40 the reasons why each license was not granted.

1 (C) The location of the practice of dentists licensed pursuant to  
2 this section.

3 (D) The number of dentists licensed pursuant to this section  
4 who establish a practice in a rural area or in an area designated as  
5 having a shortage of practicing dentists or no dentists at all.

6 (E) The length of time dentists licensed pursuant to this  
7 section maintained their practice in the reported location. This  
8 information shall be reported separately for dentists described in  
9 subparagraphs (C) and (D).

10 (2) In identifying a dentist's location of practice, the board  
11 shall use medical service study areas or other appropriate  
12 geographic descriptions for regions of the state.

13 (3) If appropriate, the board may report the information  
14 required by paragraph (1) separately for primary care dentists and  
15 specialists.

16 (d) The board is authorized to contract with a third party or  
17 parties to review applications filed under this section and to  
18 advise the board as to whether the applications are complete. The  
19 contracting party, its agents, and its employees shall agree to be  
20 bound by all provisions of law applicable to the board, its  
21 members, and staff, governing custody and confidentiality of  
22 materials submitted by applicants for licensure.

23 *(e) The board, in issuing a license under this section to an*  
24 *applicant qualified under subparagraph (B) or (C) of paragraph*  
25 *(3) of subdivision (a), may impose a restriction authorizing the*  
26 *holder to practice dentistry only in the facilities described in*  
27 *subparagraph (B) of paragraph (3) of subdivision (a) or only to*  
28 *practice or teach dentistry at the accredited dental education*  
29 *programs described in subparagraph (C) of paragraph (3) of*  
30 *subdivision (a). Upon the expiration of the two-year term, all*  
31 *restrictions on the license shall be removed and the holder is*  
32 *authorized to practice dentistry in any setting in the state.*

33 *(f) Notwithstanding any other provision of law, a holder of a*  
34 *license issued by the board before January 1, 2006, under this*  
35 *section who committed to complete the remainder of the five*  
36 *years of clinical practice requirement by a contract either to*  
37 *practice dentistry full time in a facility described in*  
38 *subparagraph (B) of paragraph (3) of subdivision (a) or to teach*  
39 *or practice dentistry full time in an accredited dental education*  
40 *program approved by the board, shall be required to complete*

1 *only two years of service under the contract. Upon the expiration*  
2 *of that two-year term, all restrictions on the license shall be*  
3 *removed and the holder is authorized to practice dentistry in any*  
4 *setting in the state.*

5 *(g) A license issued pursuant to this section shall be*  
6 *considered a valid, unrestricted license for purposes of Section*  
7 *1972.*

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